



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,831	10/11/2001	Kamal Acharya	NETS0085	3000

22862 7590 07/18/2002

GLENN PATENT GROUP
3475 EDISON WAY
SUITE L
MENLO PARK, CA 94025

EXAMINER

BONDERER, DAVID A

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 07/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,831

Applicant(s)

ACHARYA ET AL.

Examiner

D. Austin Bonderer

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3625

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear as to what is an "offline provider". In the specification it states that an offline provider can be online and offline. It is not clear as to what the applicant is trying to define as an offline provider.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Webber et al. and Giovannoli.

Lin discloses a method for searching for items over the Internet comprising:

- Comparative shopping over the internet;

Art Unit: 3625

- Using a retrieval tool to locate and receive information on prices of desired items;
and
- List the items in a graphical display via user preferences.

Webber et al. discloses a method for collecting information for items comprising;

- Search various sources;
- Enabling results to be view by a user; and
- Enabling offline merchants to forward product information and pricing to the network host.

Giovannoli discloses a method for collecting information and putting it on the Internet comprising:

- Venders combining to offer their collective inventory through a combined database;
- Processing request for quotation for goods over the internet; and
- Conditions such as the vendors' locations are taken into account and compared.

Lin lacks disclosing that the search would entail offline merchants. However as disclosed by Webber et al. and Giovannoli, it is obvious for offline merchants either through a consortium or a service to get their product listings online. The searching method as disclosed by Lin would search these products that are listed on the web thought these consortiums and services. These consortiums and services have updates to determine the availability of the items.

Using a computer to compare information is well known in the art. It is practically what they were created to do. The question that now stands is whether the categories that are claimed are obvious categories to be compared when purchasing from either an online merchant or a brick and mortar store.

Art Unit: 3625

Lin teaches that drop down list be used by the user to display the results of the search for different categories. The presentation of the data is an obvious design choice. Location, price, quality, sales, ease of returns, pickup information, user ratings, sales/ coupons, availability, and payment options are elements that a buyer considers when comparing items from different stores. Every consumer before a purchase takes these bits information into account before purchasing. Using a computer to compare, sort, and list is obvious and notoriously well known to one of ordinary skill in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide these categories in the drop down list of Lin.

In brick and mortar stores the return policies are placed in plane view of every costumer. It is obvious to make this information available online. Online stores return policies are easily obtainable. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide been obvious to include this information in the drop down list of Lin.

When ordering online from a brick and mortar store, pickup instructions are an obvious instruction. It is obvious to display these instructions to the user. "Go to the service counter" or "go to the pick-up counter" are obvious instructions to be given. It would have been obvious to one of ordinary skill in the art to provide for the presentation of pick-up instructions in the drop down list of Lin.

User ratings are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide been obvious to one of ordinary skill in the art at the time of the invention to provide a user rating for each of the merchants in the drop down list of Lin.

The amount and type of merchants displayed is an obvious design choice to one of ordinary skill in the art at the time of the invention. It the art it is customary to allow the user determine how many what kind of results are to be displayed at one time.

Art Unit: 3625


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rossides, Yagasaki, Shilcrat, Bezos et al., and Veeneman et al. disclose types of methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Austin Bonderer whose telephone number is 703.306.5911. The examiner can normally be reached on Monday- Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.113.

dab 
July 11, 2002


WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600